UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,186	12/11/2001	Jakob Gerrit Nijboer	NL010212	2687

24737 7590 05/25/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
BATTAGLIA, MICHAEL V	
ART UNIT	**PAPER NUMBER**
2652	8

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/014,186	NIJBOER ET AL.	
	Examiner	Art Unit	
	Michael V Battaglia	2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☒ Claim(s) *8 and 9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 December 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because the following informalities:

a. In Fig. 6, the auxiliary codes SC are mislabeled as "HC".

b. In Fig. 10, the names of most of the elements of the recording and/or playback device are not provided.

c. In Fig. 11, the names of the steps of the process of recording information are not provided.

Proposed drawing corrections or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

4. The disclosure is objected to because of the following informality. Table 1 on page 11, line 29-page 12, line 7 is unclear. At the very least, "20", "21" and "22" on line 32 should be shifted to line up with their appropriate columns. If possible it should be clearer that the table is showing the inputs to decoder circuit 93 that make the signals V1-V8 high. Appropriate correction is required.

5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

6. Claims 1, 2 and 5 are objected to because of the following informalities:

a. On line 13 of claim 1, the examiner suggests changing "a lead-out area for indicating end of the program area(LO)," to --a lead-out area (LO) for indicating end of the program area,--.

b. On line 5 of claim 2, the examiner suggests replacing "(XAA)" with -(XIA)--.

c. On line 3 of claim 5, the examiner suggests replacing "(LI)has" with -(LI) has--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Su et al (hereafter Su) (US 6,411,574).

In regard to claim 1, Su discloses a record carrier (Fig. 8) of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of

codes is formed by means of a preformed track modulation, which codes comprise a sequence of address codes (Fig. 8, elements T1-T7; Col. 3, lines 44-45; and Col. 1, lines 24-28) specifying the addresses of the track portions in which said address codes are recorded and special codes (Fig. 13) for specifying control data for controlling a recording by a recording device, wherein the preformed track comprises consecutively from an inner part of the disc: a program calibration area (Fig. 8, element PCA) reserved for recorder calibrating purposes, a program memory area (Fig. 8, element PMA) for temporarily storing recorded user content data, a lead-in area (Fig. 8, element Lead-in) for storing definitive recorded user content data, a program area (Fig. 8, element Program Area) for recording user data and a lead-out area (Fig. 8, area beginning at end of Program area) for indicating end of the program area, wherein said special codes are recorded in the lead-in area and/**or** the lead-out area (Figs. 14 and 14 and Col. 4, lines 63-64), characterized in that, the preformed track further comprises an extended area (Fig. 8, area between T1 and T3 and Fig. 14) preceding the program calibration area containing special codes (Fig. 14, elements special information and additional information) representing additional control information for controlling a recording by a recording device.

In regard to claim 2, Su discloses that the extended area comprises an extended information area (Fig. 8, element HCC and Fig. 14) comprising the additional control information and a buffer area (Fig. 8, area between T2 and T3) located between the extended information area and the program calibration area containing only address codes (Col. 3, lines 47-51).

In regard to claim 3, Su discloses that the address codes are represented by an absolute playback time (Col. 1, lines 22-34) relative to the start of the lead-in area (Fig. 8, elements T1-T4), characterized in that, the buffer area covers a range of absolute playback time of between 1 and 2 seconds (Fig. 8, area between T2 and T3). It is notes that the start of the lead-in area is

represented by absolute playback time T5 and that the absolute playback times T1-T4 that represent address codes are relative to T5 (Fig. 8). Area between T2 and T3 covers a range of absolute playback time of about 27 seconds that would more than cover a range between 1 and 2 seconds.

In regard to claim 5, Su discloses that the sequence of address codes and special codes comprise a periodic pattern of address codes and special codes (Fig. 14) characterized in that, the pattern in the lead-in area has a predetermined positional relationship with respect to a predetermined reference address (Fig. 8 and Col. 3, lines 44-45).

In regard to claim 6, Su discloses that the predetermined reference address is the start address or end address of the lead-in area (Fig. 8 and Col. 3, lines 44-45).

In regard to claim 7, Su discloses that the periodic pattern comprising special codes separated by a first number of successive address codes (Fig. 14), characterized in that, the periodic pattern is shifted by a predetermined number of address codes with respect to the predetermined reference address (Fig. 14; Col. 3, lines 44-45; and Col. 4, lines 65-67).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Su.

Su discloses the record carrier according to claim 2 and further discloses that the address codes are represented by an absolute playback time (Col. 1, lines 22-34) relative to the start of the

lead-in area (Fig. 8, elements T1-T4), characterized in that, the extended information area precedes the start of the lead-in area by 1 minute and 43 seconds of absolute playback time. It is noted that the start of the lead-in area is represented by absolute playback time T5 and that the absolute playback times T1-T4 that represent address codes are relative to T5 (Fig. 8). The extended information area of Su precedes the start of the lead-in area of Su by an amount of absolute playback time long enough for the extended information area, buffer area, PCA, and PMA of Su. Su does not disclose that the extended information area precedes the start of the lead-in area by approximately 1 minute of absolute playback time.

Applicant record carrier of claim 4 differs from the record carrier of Su only in the amount of absolute playback time that the extended information area precedes the start of the lead-in area. Applicant's extended information area precedes the start of the lead-in area by an amount of absolute playback time long enough for the extended information area, buffer area, PCA, and PMA. Applicant provides no reason as to why the extended information area preceding the start of the lead-in area by approximately 1 minute of absolute playback time is an improvement upon an extended information area preceding the start of the lead-in area by other similar amounts of absolute playback time, such as 2 minutes, that would be considered equivalent time periods for their purpose in provided an amount of absolute playback time long enough for the extended information area, buffer area, PCA, and PMA.

Absent a showing of new or unobvious results, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the extended information area of Su precede the start of the lead-in area of Su by approximately one minute of absolute playback time because both amounts of absolute playback time provide an area for the extended information area, buffer area, PCA, and PMA.

Citation of Relevant Prior Art

9. Hashimoto (US 5,706,271) discloses use of a blank area that precedes a PCA as a management area (Fig. 3, element 21B). Sawada et al (US 6,137,769) discloses storing a password in the innermost portion of a PCA, wherein the password is used to be able to read and write to the disc (Col. 4). Nijboer et al (US 6,704,263) discloses one minute of ATIP before the start of a lead-in area (Abstract). Nakajima (US 6,643,238) discloses recording control information in a lead-in area (Figs. 1 and 3). Takahashi (US 5,898,655) discloses pre-recorded area recorded either alternatively with test areas or after test areas in a PCA (Figs. 1a and 1b). Lee et al (US 6,404,712) discloses storing optimal writing power at the end of the test writing area of a PCA.

Allowable Subject Matter

10. Claims 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the references of record alone or in combination disclose or suggest a device for recording to and/or playback of a record carrier of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of codes is formed by means of a preformed track modulation, which codes comprise a sequence of address codes (AC) specifying the addresses of the track portions in which said address codes (AC) are recorded and special codes (SC) for specifying control data for controlling a recording by a recording device, wherein the preformed track comprises consecutively from an inner part of the disc: a program calibration area (PCA) reserved for recorder calibrating purposes, a program memory area (PMA) for temporarily storing recorded user content data, a lead-in area (LI) for

storing definitive recorded user content data, a program area (PA) for recording user data and a lead-out (LO) area for indicating end of the program area, wherein said special codes are recorded in the lead-in area and/or the lead-out area, characterized in that, the preformed track further comprises an extended area (XAA) preceding the program calibration area (PCA) containing special codes (SC) representing additional control information for controlling a recording by a recording device, wherein the sequence of address codes (AC) and special codes (SC) comprise a periodic pattern of address codes and special codes characterized in that, the pattern in the lead-in area (LI) has a predetermined positional relationship with respect to a predetermined reference address; the device comprising a reading means for the reading the information recorded on the record carrier and **recording means for recording the record carrier in accordance with a recording process**, the reading means comprising means to read the auxiliary signal recorded on the record carrier, selecting means for extracting the special codes and the address codes from the auxiliary signal, **control means for controlling the recording process after receiving address and special code information from the auxiliary signal as input**, characterized in that, **the control means are adapted to determine the predetermined positional relationship of the periodic pattern of address codes (AC) and special codes (SC) and to read the extended area (XAA) on the record carrier upon detecting the predetermined positional relationship.**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V Battaglia whose telephone number is (703) 305-4534. The examiner can normally be reached on 5-4/9 Plan with 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Battaglia

Michael Battaglia

W. R. YOUNG
PRIMARY EXAMINER